

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:07-CR-101
	)	(Phillips / Shirley)
JEFFREY WAYNE CROSS,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is before the Court upon a Motion to Dismiss filed by the United States, [Doc.5].

On July 25, 2007, Jeffrey Wayne Cross was charged by criminal complaint with a felony theft of personal property occurring within the Great Smoky Mountains National Park, a special maritime and territorial jurisdiction of the United States, [Doc. 1]. On August 21, 2007, Mr. Cross was indicted for the alleged offense, [Doc. 2], however he has not made an initial appearance before the court. On February 1, 2008, Mr. Cross filed a *pro se* Motion for Speedy Trial [Doc. 3] by mail from Northeast Correctional Complex in Mountain City, Tennessee, a state prison. On February 22, 2008, the United States responded with a Motion to Dismiss [Doc. 5], accompanied by a Memorandum in Support [Doc. 6].

The government sets forth the basis for the request in its supporting memorandum. The government reports that Mr. Cross is now serving a lengthy state prison sentence and will not be eligible for release until 2015, and will first be eligible for a parole hearing August 1, 2009. Given the nature of the instant charge and the time and expense associated with proceeding with the prosecution against Mr. Cross at this point, the Court finds good cause has been shown to dismiss the indictment at this time.

Accordingly, the Court respectfully RECOMMENDS to the District Court that the United States' Motion to Dismiss [Doc. 5] be **GRANTED**. Should the District Court elect to grant the motion, it is recommended that the Motion for Speedy Trial [Doc. 3] be **DENIED** as moot.<sup>1</sup>

Respectfully submitted,

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge

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<sup>1</sup> Any objections to this report and recommendation must be served and filed within ten (10) days after service of a copy of this recommended disposition on the objecting party. Fed. R. Crim. P. 59(b)(2). Failure to file objections within the time specified waives the right to review by the District Court. Fed. R. Crim. P. 59(b)(2); see also Thomas v. Arn, 474 U.S. 140 (1985) (providing that failure to file objections in compliance with the ten-day time period waives the right to appeal the District Court's order). The District Court need not provide de novo review where objections to this report and recommendation are frivolous, conclusive, or general. Mira v. Marshall, 806 F.2d 636, 637 (6th Cir. 1986). Only specific objections are reserved for appellate review. Smith v. Detroit Federation of Teachers, 829 F.2d 1370, 1373 (6th Cir. 1987).